

Notice of Allowability

Application No.

09/990,702

Examiner

James A. Reagan

Applicant(s)

DIVELEY, KEITH W.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Appeal Brief filed on 06 January 2006.
2. ☒ The allowed claim(s) is/are 1, 2, 4-7, 10, 12, 13, 15 and 50-52.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date: _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Status of Claims

1. This action is in response to the Appeal Brief filed on 06 January 2006.
2. Claims 1 and 12 have been amended by Examiner's Amendment below.
3. Claims 25, 29, and 53 have been cancelled by Examiner's Amendment below.
4. Claims 1, 2, 4-7, 10, 12, 13, 15 and 50-52 are pending. are currently pending and have been examined.

EXAMINER'S AMENDMENT

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
6. Authorization for this examiner's amendment was given in a telephone interview with Daren J. Gibby on 23 February 2006.
7. The application has been amended as follows:

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings of claims in the application:

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Listing of Claims:

Claim 1. (Currently amended) A payment service method, the method comprising:

a payment service provider receiving a set of identifiers from a consumer provider associated with dial tone service of the consumer provider, the set of identifiers forming a database comprising existing and future customer accounts, the set of identifiers being formatted into a customer database, the customer database being operated by the payment service provider, wherein the dial tone service is configured to provide direct and uninterrupted access to telecommunication services;

the payment service provider receiving a request from a customer of the consumer provider to pay for the dial tone service while the customer is physically present at a payment service provider location, wherein the request includes one of the identifiers and a payment;

creating an electronic record of the payment and the identifier;

communicating the electronic record to a host computer;

electronically sending the electronic record from the host computer to a telecommunication switch; and

activating the dial tone service upon receipt of the electronic record by the telecommunication switch, wherein communication of the electronic record to the telecommunication switch is configured to provide that the dial tone service is activated substantially contemporaneously with receipt of the payment by the payment service provider.

Claim 2. (Original) A method as in claim 1, further comprising electronically transferring the payment to a bank account of the consumer provider.

Claim 3 (Canceled).

Claim 4. (Previously presented) A method as in claim 1, wherein the request is entered into a terminal having a processor, and wherein the electronic record is transferred electronically from the terminal to the host computer.

Claim 5. (Previously presented) A method as in claim 4, wherein the electronic record is further transmitted from the host computer to the consumer provider.

Claim 6. (Original) A method as in claim 4, wherein the set of identifiers are associated with enrollment information obtained from consumers enrolling with the consumer provider, and further comprising electronically sending enrollment information from the consumer provider to the host computer.

Claim 7. (Original) A method as in claim 6, further comprising periodically receiving updated enrollment information at the host computer.

Claims 8-9 (Canceled).

Claim 10. (Previously presented) A method as in claim 1, wherein at least some part of the identifier is associated with a payment amount as determined by the consumer provider.

Claim 11 (Canceled).

Claim 12. (Currently amended) A payment system, comprising:
a host computer operated by a payment service provider;

a database associated with the host computer, the database having a record of a set of identifiers that are associated with a dial tone phone service of a consumer

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provider, the set of identifiers comprising existing and future customer accounts, the database being operated by the payment service provider;

wherein the database includes an electronic record of a payment from a customer that was paid while the customer was physically present at a payment service provider location along with one of the identifiers of the set of identifiers; and

a telecommunication switch in communication with the host computer and configured to activate the dial tone service for a customer phone number upon receipt of an electronic record from the host computer, wherein the electronic record comprises an identifier from the set of identifiers, the customer phone number and payment information, and wherein the dial tone service provides for direct access to phone services from a phone associated with the customer phone number.

Claim 13. (Previously presented) A system as in claim 12, further comprising at least one terminal having a processor that is capable of communicating with the host computer, and wherein the terminal is configured to receive the identifier, the customer phone number and the payment information and to transmit the identifier, the customer phone number and the payment information to the host computer.

Claim 14 (Canceled).

Claim 15. (Original) A system as in claim 13, further comprising a printer coupled to the terminal to print a receipt showing the payment.

Claims 16-24 (Canceled).

Claims 25-29 (Canceled).

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Claims 30-49 (Canceled).

Claim 50. (Previously presented) The method as recited in claim 1, wherein the activating the dial tone service comprises adding service time to an existing dial tone service associated with the customer.

Claim 51. (Previously presented) The method as recited in claim 1, wherein the one of the identifiers comprises at least a phone number associated with the customer.

Claim 52. (Previously presented) The method as recited in claim 12, wherein the activation of the activation of the dial tone service comprises adding service time to an existing dial tone service associated with the customer telephone number.

Claim 53 (Canceled).

Allowable Subject Matter

8. Claims 1, 2, 4-7, 10, 12, 13, 15 and 50-52 are allowed. See Reasons for Allowance under separate heading.

Reasons For Allowance

9. The following is an Examiner's statement of reasons for allowance:

None of the art of record, taken individually or combination, disclose at least the method step or system components of:

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- *a payment service provider receiving a set of identifiers from a consumer provider associated with dial tone service of the consumer provider, the set of identifiers forming a database comprising existing and future customer accounts, the set of identifiers being formatted into a customer database, the customer database being operated by the payment service provider, wherein the dial tone service is configured to provide direct and uninterrupted access to telecommunication services;*
- *the payment service provider receiving a request from a customer of the consumer provider to pay for the dial tone service while the customer is physically present at a payment service provider location, wherein the request includes one of the identifiers and a payment;*

More specifically, the prior art of record fails to disclose a payment office that maintains present and future customer account information, which allows a customer to make payments to an account simply by walking in and making the payment.

Independent claims 1 and 12 are distinguished over the closest prior art of Cornwell, ("Western Union Service Growing", and "Payment Systems: Western Union Service for Overdue Accounts Resolving Delinquent Cards") which discloses a walk-up bill paying service. However, Cornwell is silent regarding the particulars of the bill payment system such as the database which contains account numbers of existing customers, account numbers set aside for future customers, and a database which links the customer's account numbers to external account such as for a phone service. As recited in independent claims 1 and 12, it is clear that the Applicant's invention is distinguished over the Cornwell invention in at least the method step of the payment service provider receiving account information comprising a set of account identifiers for the customers from the client, the set of identifiers forming a database comprising existing and future customer accounts, the set of identifiers being formatted into a customer database, the customer

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database being operated by the payment service provider. Although Cornwell does disclose a walk-up bill paying service, Cornwell does not disclose the required database functionality. Dependent claims 2, 4-7, 10, 13, 15 and 50-52 are subsequently allowable because they are dependent upon allowed independent claims 1 and 12.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - FEIKEN, ALBERTUS (EP 700023 A1) teaches Improved integrity of a payment system for the payment of services or goods, for example telephone facilities, making use of electronic payment cards.

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Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710**. The Examiner can normally be reached on 8:00a - 5:00p M-F. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **571.272.6712**.

*Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).*

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300 [Official communications, After Final communications labeled "Box AF"]

571-273-8300 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

JAMES A. REAGAN

Primary Examiner

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22 March 2006

